

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIES

PROPOSED PART 512
OBLIGATIONS OF ALTERNATIVE GAS SUPPLIERS

SUBPART A: GENERAL

Section	
512.10	Definitions
512.20	Compliance
512.30	Waiver

SUBPART B: MARKETING PRACTICES

Section	
512.100	Application of Subpart B
512.105	Use of Utility Logo and Name
512.110	Minimum Contract Terms and Conditions
512.115	Uniform Disclosure Statement
512.120	In-Person Solicitation
512.130	Telemarketing
512.140	Inbound Enrollment Calls
512.150	Direct Mail
512.160	Online Marketing
512.165	Rate Notice to Customers
512.170	Conduct, Training and Compliance of AGS Agents
512.180	Records Retention and Availability

SUBPART C: RESCISSION, DEPOSITS, EARLY TERMINATION
AND AUTOMATIC CONTRACT RENEWAL

Section	
512.200	Application of Subpart C
512.210	Rescission of Sales Contract
512.220	Early Termination of Sales Contract
512.230	Contract Renewal
512.240	Assignment

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

SUBPART D: DISPUTE RESOLUTION AND CUSTOMER COMPLAINT REPORTS

Section	
512.300	Application of Subpart D
512.310	Required AGS Information
512.320	Dispute Resolution
512.330	Failure to Comply
512.340	Severability

512.APPENDIX A Uniform Disclosure Statement

AUTHORITY: Implementing Sections 19-110, 19-112, 19-115 and 19-125 of the Public Utilities Act [220 ILCS 5/19-110, 19-112 and 19-115] and authorized by Sections 8-501 and 10-101 of the Public Utilities Act [220 ILCS 5/10-101 and 8-501].

SUBPART A: GENERAL

Section 512.10 Definitions

"Act" means the Public Utilities Act [220 ILCS 5].

"Alternative gas supplier" or "AGS" means Alternative Gas Supplier as defined in Section 19-105 of the Public Utilities Act (220 ILCS 5/19-105).

"Commission" means the Illinois Commerce Commission.

"Complaint" means an objection made to an AGS by a customer or other entity as to its charges, facilities or service, the disposal of which complaint requires investigation or analysis but shall not include contacts that are limited to inquiry or seeking information.

"Customer," when used without additional modifying language, shall mean small commercial customers and residential customers collectively, as those terms are defined herein.

"Early termination fee" means a fee or penalty for terminating an agreement or contract for natural gas supply products or services provided by the AGS before the end of the contract term.

"Enrollment" means the process by which an AGS submits or executes a change in a customer's selection of a natural gas provider in any Gas Utility service area

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

where customers are able to choose their natural gas supplier, enters into and effectuates a contract with the customer for gas supply products or services provided by the AGS and enrolls the consumer as a customer in the residential or small commercial gas transportation service program of the applicable Gas Utility.

"Fixed rate" means that the per therm charge for natural gas supply remains the same for the term of the contract.

"Gas Utility" means a gas utility as defined in Section 19-105 of the Public Utilities Act (220 ILCS 5/19-105).

"Inbound enrollment call" means a telephone call to an AGS agent initiated by a customer that results in either an enrollment or a change of provision of his or her natural gas supply service.

"In-person solicitation" means any enrollment attempt initiated or completed when the AGS agent is physically present with the customer.

"Letter of Agency" or "LOA" means the document described in Section 19-115(c)(1) of the Public Utilities Act (220 ILCS 5/19-115(c)(1)).

"Pending enrollment" means a valid enrollment request has been submitted by an AGS and accepted by a Gas Utility, for which the beginning meter reading date upon which the switch will become effective has not yet occurred.

"Public Utility" means "public utility" as defined by Section 3-105 of the Act (220 ILCS 5/3-105).

"Rescission" or "to rescind" means the cancellation of an agreement or contract with an AGS before the AGS has submitted an enrollment request to the Gas Utility and/or pending enrollment and during the grace period in which no early termination fees can be assessed as prescribed in Section 19-115(g)(7) of the Public Utilities Act.

"Residential customer" means a residential customer as defined in Section 19-105 of the Public Utilities Act (220 ILCS 5/19-105).

"Sales agent" means "sales agent" as defined in Section 19-105 of the Act (220 ILCS 5/19-105).

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

"Send" or "Sent", when used in this Part to describe the action to be taken by a AGS of sending a document to a customer may include, if agreed to by the receiving customer, transmission of the document to the customer via electronic delivery (e.g., fax or e-mail).

"Small commercial customer" means small commercial customer as defined in Section 19-105 of the Public Utilities Act (220 ILCS 5/19-105).

"Third party verification" or "TPV" means the process prescribed by Section 19-115(c)(2) of the Public Utilities Act.

"Transferred call" means any enrollment call to an AGS in which the customer did not directly dial an AGS agent. This includes calls that originate as live or automated calls to the customer, who then might select an option that results in the call being forwarded to an AGS agent. "Transferred call" does not include enrollment calls in which the customer directly dials an AGS call center and selects to be forwarded to an AGS agent from a call center menu or live operator. For purposes of enrollment compliance, transferred calls shall be treated as telemarketing within the meaning of Section 512.130 of this Part.

"Tariffed service" means tariffed service as defined by Section 19-105 of the Public Utilities Act (220 ILCS 5/19-105).

"Transportation services" means transportation services as defined by Section 19-105 of the Act (220 ILCS 5/19-105).

"Variable rate" means that the per-therm charge for natural gas supply is subject to change over the term of the contract.

"Written" or "in writing" means a paper copy. When this Part requires information to be "written" or "in writing", an electronic copy satisfies that requirement so long as both the AGS and the customer have agreed to electronic communication.

Section 512.15 Compliance

Authorized by 220 ILCS 5/19-110

Each AGS shall be in full compliance with each requirement set forth in this Part on or before the first day of the month following 6 months from the date of the Commission's final order approving this Part, unless the Commission grants an extension of time to an AGS for cause.

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

Section 512.30 Waiver

Authorized by 220 ILCS 5/19-110

- a) The Commission, on application or petition of an AGS or Gas Utility, may grant a temporary or permanent waiver from this Part, or any applicable subsections contained in this Part, in individual cases in which the Commission finds:
 - 1) the provision from which the waiver is granted is not statutorily mandated;
 - 2) no party will be injured by the granting of the waiver; and
 - 3) the rule from which the waiver is granted would, as applied to the particular case, be unreasonable or unnecessarily burdensome.
- b) The burden of proof in establishing a right to a waiver shall be on the party seeking the waiver.

SUBPART B: MARKETING PRACTICES

Section 512.100 Application of Subpart B

Authorized by 220 ILCS 5/19-120

The provisions of this Subpart shall only apply to an AGS serving or seeking to serve residential or small commercial customers, and only to the extent that an AGS provides services to residential or small commercial retail customers.

Section 512.105 Use of Utility Logo and Name

Authorized by 220 ILCS 5/19-115(g)(2)

- a) An AGS shall not utilize the logo of a Public Utility in any manner.
- b) An AGS shall not utilize the name of a Public Utility in any manner that is deceptive or misleading, including, but not limited to, implying or otherwise

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

leading a customer to believe that an AGS is soliciting on behalf of or is an agent of a utility.

- c) An AGS shall not utilize the name, or any other identifying insignia, graphics or wording that has been used at any time to represent a Public Utility company or its services, to identify, label or define any of its natural gas power and energy service offers.

Section 512.110 Minimum Contract Terms and Conditions

Authorized by 220 ILCS 5/19-115(g)(2)

The sales contract shall contain the disclosures specified in this Section in 12-point type size or larger, in the order presented in this Section. The disclosures specified in this Section shall appear at the beginning of the sales contract; no other contract terms, other than disclosures required under Part 412 if the AGS is also offering electric supply, may precede these disclosures. Any additional contract language shall use 10-point type size or larger. The sales contract shall include the following disclosures:

- a) The legal name of the AGS and the name under which the AGS will market its products, if different;
- b) The business address of the AGS;
- c) The charges for service for the term of the contract and, if any charges are variable during the term of the contract, an explanation of how the variable charges are determined;
- d) For any product for which the price includes a fixed monthly charge that does not change with the customer's usage and does not include all supply and delivery service charges, the AGS shall provide an estimated total bill for natural gas service using sample monthly usage levels of 50, 100 and 300 therms;
- e) For any product offered at a fixed monthly charge that does not change with the customer's usage and does not include all supply and delivery service charges, the AGS must provide a statement to the customer stating that the fixed monthly charge is not the total monthly amount for gas service and identifying which charges are not included in the fixed monthly charge;
- f) The term of the contract, including any applicable renewal clause disclosed in a manner consistent with this Part;

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

- g) Whether an early termination fee or penalty will be imposed for termination of the contract by the customer prior to the expiration of its term and the applicable amount. If the early termination fee or penalty is not a set amount, the AGS shall disclose the manner in which that fee will be calculated but it shall not exceed \$50.00;
- h) If an early termination fee will be assessed, the AGS must disclose that the customer has the right to terminate the agreement without an early termination fee or penalty within the longer of (i) 10 business days after the date of the first bill issued to the customer for products or services provided by the alternative gas supplier; or (ii) the period provided for early termination without fee or penalty in the gas utility's tariffs for transportation services;
- i) If the AGS intends at any point during the term of the contract to seek a deposit or prepayment from the customer, the AGS shall identify whether and under what circumstances a deposit or prepayment will be required, along with a disclosure of the manner in which the deposit or prepayment will be calculated and the circumstances in which the deposit or prepayment will be refunded;
- j) Any fees assessed by the AGS to a customer for switching to the AGS;
- k) If an AGS represents that a customer will realize savings under any conditions or circumstances, the AGS shall provide a written statement, in plain language, describing the conditions or circumstances that must occur in order for the savings to be realized. The statement shall disclose the entity or entities and price or prices to which the AGS is comparing its own offer for purposes of assessing or calculating savings;
- l) A statement that the customer may contact the AGS or the Gas Utility to rescind the contract and the pending enrollment within 10 business days after the Gas Utility processes the enrollment request;
- m) A statement that the AGS is an independent seller of natural gas certified by the Illinois Commerce Commission and that the AGS is not representing, endorsed by, or acting on behalf of, a utility or a utility program, a consumer group or consumer group program, or a governmental body or program of a governmental body;
- n) A statement that:

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

- 1) the Gas Utility remains responsible for the delivery of natural gas to the customer's premises and will continue to respond to any service calls and emergencies; and
- 2) the customer will receive written notification from the Gas Utility confirming a switch of the customer's gas supplier; and
- o) The toll-free telephone numbers for the AGS, the Gas Utility, and the Commission's Consumer Services Division.

Section 512.115 Uniform Disclosure Statement

Authorized by 220 ILCS 5/19-125(c)

- a) All AGS product offers for residential and small commercial customers require a one-page (front and back of one 8.5 x 11 sheet of paper) Uniform Disclosure Statement (UDS) using the form in Appendix A.
 - 1) All text in the UDS shall be printed in 12-point type or larger.
 - 2) The UDS may include a logo of the AGS.
 - 3) The UDS shall not contain any items other than those found in Appendix A or described in this Section.
- b) The disclosures in the UDS shall conform to Appendix A and shall include the information listed in this subsection (b), in the order listed.
 - 1) Name: The legal name of the AGS and the name under which the AGS will market its products, if different.
 - 2) Address: The AGS' business address and internet address.
 - 3) Phone: The AGS' toll-free telephone number and hours of availability.
 - 4) Price: The AGS supply price in cents per therm, or as otherwise stated below, and the number of months the price stays in effect.
 - A. If the price is a fixed monthly charge that does not change with the customer's usage, the fixed monthly charge shall be shown in dollars.

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

- B. If the price is a custom price, the UDS shall include the word “custom” and the AGS shall replace “custom” with the price offered to a particular customer once the AGS has determined the custom price for the customer.
 - C. If the price is tied to a publicly available index or benchmark, the UDS shall state the index or benchmark and include the phrase “Refer to contract.”
- 5) Price to Compare: The utility supply price in cents per therm and identified by month for the consumer’s Gas Utility, as posted on the Commission’s website identifying “Current and Historical Gas Prices,” that was or will be in effect for three (3) consecutive months that begin or end within a 90 day period inclusive of the solicitation date, for which said rates are known; provided, however, that for solicitations made after the fourteenth day of any month, one of the three (3) consecutive months must be the month during which the solicitation occurs.
 - 6) Other Monthly Charges: If the price includes a fixed monthly charge that does not change with the customer's usage, that charge shall be disclosed in dollar amounts.
 - 7) Total Price with Other Monthly Charges: If the price includes a fixed monthly charge that does not change with the customer's usage, and the fixed monthly charge does not include all supply and delivery service charges, the UDS shall display the total price in cents per therm at sample usage levels of 50, 100 and 300 therms.
 - 8) Length of the Contract: The length of the contract in months.
 - 9) Subsequent Prices after the Initial Price: If the initial price remains in effect for the entire term of the contract, the UDS shall state “N/A” or “Not Applicable.” If the price after the initial price does not change for the remainder of the term of the contract, the UDS shall state the price in cents per therm and the number of months that price will stay in effect. If the price after the initial price is a price that includes a fixed monthly charge that does not change with the customer's usage, and the charge does not include all supply and delivery service charges, the UDS shall display the total price in cents per therm at sample usage levels of 50, 100 and 300 therms. If the price after the initial price is a rate that changes at any time, the UDS shall include the following: "Variable. The variable rate may go up or down and the rate may be higher or lower than the Gas Utility’s rate during any given period."

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

- 10) Early Termination Fee: The UDS shall disclose the amount of the early termination fee or penalty, if any. If the early termination fee or penalty is not a set amount, the UDS shall disclose the manner in which the fee or penalty will be calculated.
- 11) Contract Renewal: The UDS shall disclose whether the contract renews automatically.
- 12) Rescission: The UDS shall include the following: "You have a right to rescind (stop) your enrollment within 10 business days after your utility has received your order to switch suppliers. You may call us at (insert toll-free number) or your utility at (insert toll-free number) to rescind."
- 13) Termination: The UDS shall include the following: "You also have the right to terminate the contract without any termination fee or penalty if you contact us at (insert toll-free number) within 10 business days after the date of your first bill with charges from (AGS name);" provided, however, that if the Gas Utility's Commission-approved tariff for transportation services requires a longer period for termination without fee or penalty, the disclosure shall indicate that the customer may terminate the contract during the period for termination without fee or penalty established by the Commission-approved Gas Utility's tariff for transportation services.
- 14) Seller: The UDS shall include the following: "This is a sales solicitation and the seller is (insert AGS name), an alternative gas supplier. If you enter into a contract with the seller, (insert AGS name) will be your gas supplier. The seller is not endorsed by, representing, or acting on behalf of, a utility or a utility program, a governmental body or a governmental program, or a consumer group or a consumer group program."
- 15) Questions/Information: The UDS shall include the following: "If you have any questions or concerns about this sales solicitation, you may contact the Illinois Commerce Commission's Consumer Services Division at 1-800-524-0795."
- 16) Date of Solicitation: The UDS shall state the date the customer was solicited.
- 17) Agent ID: The UDS shall include an agent ID.

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

- 18) Variable Rate Products: For a variable rate product, the UDS shall state that the current rate per therm price and a one-year price history, or history for the life of the product, if it has been offered less than one year, are available on the AGS' website and at a toll-free number. An AGS shall not rename a product in order to avoid disclosure of price history.

Section 512.120 In-person Solicitation

Authorized by 220 ILCS 19-115(g)

- a) An AGS sales agent shall state that he or she represents an independent seller of natural gas certified by the Illinois Commerce Commission and that he or she is not employed by, representing, endorsed by, or acting on behalf of a utility, or a utility program, a consumer group or consumer group program, or a governmental body or program of a governmental body.
- b) If, at the AGS' election, any sales solicitation is conducted in another language, the UDS and agreement must be translated into that other language and the verification must be conducted in that other language. When it would be apparent to a reasonable person that a customer's English language skills are insufficient to allow the customer to understand and respond to the information conveyed by the agent in English, or when the customer or another person informs the agent of this circumstance, the AGS sales agent shall: find another representative fluent in the customer's language; use an interpreter; or terminate the in-person contact with the customer. When an interpreter is used, a form consistent with Section 2N of the Consumer Fraud and Deceptive Business Practices Act must be completed.
- c) AGS sales agents who engage in in-person solicitation for the purpose of selling natural gas offered by the AGS shall display identification on an outer garment. This identification shall be visible at all times and prominently display the following:
 - 1) The AGS sales agent's full name in reasonable size font;
 - 2) A sales agent ID number;
 - 3) A photograph of the AGS sales agent; and
 - 4) The trade name and logo of the AGS the sales agent is representing in the course of solicitation taking place.

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

- d) The AGS agent shall leave the premises at the customer's, owner's or occupant's request. In the absence of local ordinances or regulations, AGS and their sales agents shall not conduct in-person solicitation at residential dwellings before 9:00 a.m. and after 7:00 p.m. or civil dusk, whichever is earlier.
- e) The AGS sales agent shall, during the sales presentation to the customer, verbally disclose the items listed in Section 512.110(a) and (c) through (n) to the customer unless the sales presentation is terminated by the customer before the disclosures are completed. An AGS agent may disclose the items in any order, provided that all applicable items are explained to the customer prior to the agent obtaining the customer's utility account number. An AGS may secure consent to obtain customer-specific usage information for the purposes of pricing a product through a verifiable customer consent or another Commission-approved process.
- f) A copy of the UDS described in Section 512.115 and Appendix A is to be left with the customer at the conclusion of the visit unless a customer refuses to accept a copy. Nothing in this subsection (f) prevents an AGS sales agent from providing the UDS electronically instead of in paper form to a customer upon that customer's request. The AGS sales agent shall also offer, at the time of the initiation of the solicitation, a business card or other material that lists the agent's name, identification number and title, and the AGS' name and contact information, including telephone number.
- g) In-person solicitations that lead to an enrollment require a third-party verification (TPV). The TPV shall obtain the customer's acknowledgement that he or she understands the disclosures required by Section 512.110(c) through (o). Each disclosure must be made individually to obtain clear acknowledgement of each disclosure. The AGS agent must be in a location where he or she cannot hear the customer while the TPV is conducted. The AGS shall not approach the customer after the TPV for a period of 24 hours unless contacted by the customer.
- h) The AGS sales agent shall not conduct any in-person solicitations at any building or premises where any sign, notice or declaration of any description whatsoever is posted that prohibits sales, marketing or solicitations; provided, however, that an AGS sales agent may meet with representatives of a small commercial customer and conduct an in-person solicitation at a building or premises where such a notice is posted if an authorized representative of the small commercial customer has previously scheduled an appointment to meet with an agent of the AGS at such building or premises.
- i) The AGS sales agent shall obtain consent to enter multi-unit residential dwellings. Consent obtained to enter a multi-unit dwelling from one prospective customer or

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

occupant of the dwelling shall not constitute consent to market to any other prospective customers in the dwelling without separate consent.

- j) Upon a customer's request, the AGS shall not conduct any further marketing to that customer until the customer requests to receive further marketing. The AGS shall notify its agents of the customer's request not to be solicited.
- k) Each AGS shall perform criminal background checks on all employees and agents engaged in in-person solicitation. The AGS shall maintain a record confirming that a criminal background check has been performed on its employees or agents in accordance with this Section.

Section 512.130 Telemarketing

Authorized by 220 ILCS 5/19-115(b)(4)

- a) In addition to complying with the Telephone Solicitations Act [815 ILCS 413], an AGS sales agent who contacts customers by telephone for the purpose of selling natural gas supply service shall provide the agent's name and identification number. The AGS sales agent shall state that he or she represents an independent seller of natural gas supply service, certified by the Illinois Commerce Commission. An AGS agent shall not state or otherwise imply that he or she is employed by, representing, endorsed by, or acting on behalf of, a utility or a utility program, a consumer group or a consumer group program, or a governmental body or a program of a governmental body.
- b) When it would be apparent to a reasonable person that a customer's English language skills are insufficient to allow the customer to understand a telephone solicitation in English, or the customer or another person informs the agent of this circumstance, the agent must transfer the customer to a representative who speaks the customer's language, if such a representative is available, or terminate the call.
- c) An AGS sales agent shall, during the sales presentation to the customer, verbally make to the customer all disclosures required by Section 512.110(a) and (c) through (n) and any information included in the UDS required by Section 512.115 that is not included in Section 512.110(a) and (c) through (n), unless the sales presentation is terminated by the customer before the disclosures are completed. An AGS sales agent may disclose the items in any order provided that all applicable items are explained to the customer prior to the agent obtaining the customer's utility account number. An AGS may secure consent to obtain

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

customer-specific usage information for the purposes of pricing a product through a verifiable customer consent or another Commission-approved process.

- d) Any telemarketing solicitations that lead to a telephone enrollment must be recorded and retained for a minimum of two years. All telemarketing calls that do not lead to a telephone enrollment, but last at least two minutes, shall be recorded and retained for a minimum of six months. The recordings shall be provided upon request to Commission Staff. Recordings of a customer who has completed a telephone enrollment shall also be provided to that customer upon request.
- e) For telemarketing that leads to a completed telephone enrollment, a third party verification must be used to authorize a customer's enrollment. The third party verification must require the customer to verbally acknowledge that he or she understands the disclosures required by Section 512.110(c) through (n). Each item must be disclosed to the customer individually to obtain clear acknowledgment of each disclosure. An AGS sales agent initiating a 3-way conference call or a call through an automated verification system shall drop off the call and shall not participate in or listen to the call, but shall not cause the call to be terminated once the 3-way connection has been established.
- f) The UDS and contract shall be sent to the customer within one business day after the natural Gas Utility's confirmation to the AGS of an accepted enrollment.
- g) Upon a customer's request, the AGS shall refrain from any further direct telemarketing to that customer. The AGS shall notify its agents of a customer's request.

Section 512.140 Inbound Enrollment Calls

Authorized by 220 ILCS 5/19-115(c)(4)

- a) An AGS sales agent shall state that he or she represents an independent seller of natural gas certified by the Illinois Commerce Commission. An AGS sales agent shall not state or otherwise imply that he or she is employed by, representing, endorsed by, or acting on behalf of, a utility or a utility program, a consumer group or consumer group program, or a governmental body;
- b) The AGS sales agent shall verbally make to the customer the disclosures required by Section 512.110(a) and (c) through (n). An AGS sales agent may disclose the items in any order so long as all applicable items are explained to the customer during the sales presentation;

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

- c) All inbound enrollment calls that lead to an enrollment shall be recorded, and the recordings shall be retained for a minimum of two years. An inbound enrollment call that does not lead to an enrollment but lasts at least two minutes shall be recorded and retained for a minimum of six months. The recordings shall be provided upon request to Commission Staff or a customer who has completed a telephone enrollment; and
- d) The AGS shall send the UDS and contract to the customer within three business days after the natural Gas Utility's confirmation to the AGS of an accepted enrollment.

Section 512.150 Direct Mail

Authorized by 220 ILCS 5/19-115(c)(1)(E) and 5/19-115(g)(1)

- a) If an AGS sales agent contacts customers for enrollment for natural gas supply service by direct mail, the direct mail material shall include all the disclosures required in Sections 512.110(a), ~~(b)~~ and ~~(m)~~ for the service being solicited.
- b) Statements in any direct mail material shall not claim that the AGS represents, is endorsed by, or is acting on behalf of, a utility or a utility program, a consumer group or program, or a governmental body or program and shall not utilize false, misleading, materially inaccurate or otherwise deceptive language.
- c) If a direct mail solicitation includes a written Letter of Agency ("LOA"), the direct mail solicitation shall include the items listed in Section 512.110(a) and (c) through (i) and also the UDS described in Section 512.115. The UDS shall be provided on a separate page from the other marketing materials included in the direct mail solicitation. If a written LOA is being used to authorize a customer's enrollment, the written LOA shall comply with Section 19-115(c)(1)(E) of the Public Utilities Act and shall contain a statement that the customer has read and understood each of the disclosures required by Section 512.110(a), (c) and (e) through (m). The LOA to be signed and returned to the AGS shall be separate from the documents containing the Section 512.110 disclosures and from the UDS, such that they can remain with the customer.
- d) If the direct mail solicitation allows a customer to enroll by telephone, and the customer elects to do so, Section 512.140 shall apply. If the direct mail solicitation allows a customer to enroll online, and the customer elects to do so, Section 512.160 shall apply.

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

- e) A copy of the contract must be sent to the customer within one business day after the natural Gas Utility's confirmation to the AGS of an accepted enrollment.

Section 512.160 Online Marketing

Authorized by 220 ILCS 5/19-115(c)(5)

- a) Each AGS offering natural gas supply service to customers online shall clearly and conspicuously make all disclosures required by Section 512.110 for any services offered through online enrollment before requiring the customer to enter any personal information other than zip code, natural Gas Utility service territory, and/or type of service sought, unless the AGS secures consent to obtain customer-specific information for the purposes of pricing a product through a verifiable customer consent or another Commission-approved method. The AGS marketing material shall not make any statements that it is a representative of, endorsed by, or acting on behalf of, a utility or a utility program, a consumer group or a program run by a consumer group, a governmental body or a program run by a governmental body.
- b) The UDS must be printable in a PDF format and shall be available electronically to the customer.
- c) The enrollment website of the AGS shall, at a minimum, include:
 - 1) All disclosures required by Section 512.110;
 - 2) A statement that electronic acceptance of the terms is an agreement to initiate service and begin enrollment;
 - 3) A statement that the customer should review the contract and/or contact the current supplier to learn if any early termination fees are applicable; and
 - 4) An e-mail address and toll-free phone number of the AGS where the customer can express a decision to rescind the contract.

Section 512.165 Rate Notice to Customers

Authorized by 220 ILCS 5/19-115(g)(3)(A)

- a) Each AGS shall make available on its website, or through the customer's online account, the variable rates currently in effect for residential customers.

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

Additionally, when a customer's rates change during the term of an agreement or contract, the AGS shall make the new rates available to that customer on its website, or through the customer's online account, at least 30 days prior to the effective date of any rate change. The AGS must disclose the period to which the rates will apply. In addition, each AGS shall provide the rate information to its residential variable rate customers who request it through the AGS' toll-free number. The customer's contract shall contain the website address and toll-free phone number through which a customer may obtain variable rate information in accordance with this Section.

- b) If the AGS charges for residential variable rate customers are included on the utility's bill, the AGS shall use the allotted space on the utility's bill to disclose the customer's variable rate that is in effect at the time the bill is received by the customer and the percentage change, if any, of the variable rate from one monthly billing period to the next. When there is insufficient available allotted space on the utility bill for the AGS to make these disclosures each month, the AGS shall ensure that no residential variable rate customer receives consecutive monthly bills that fail to disclose upcoming variable rates in the bill's message section. If the AGS bills its residential variable rate customers directly, the AGS shall ensure that those customers' bills always contain the variable rate information described in this Section. If the natural Gas Utility's implementation of Section 19-135 prevents an AGS from complying with this Section, the AGS shall include a bill message that contains the toll-free phone number and/or website address where the variable rate information can be obtained by the customer. The requirements of this subsection to provide notifications in customer bills do not apply if the AGS sends the notifications required by this subsection via a written communication sent at the same time as the customer's monthly bill.
- c) If a residential variable rate customer's rate increases by more than 20% from one monthly billing period to the next, in addition to any notice required by this Section, the AGS shall send a separate written notice to the customer, informing the customer of the upcoming rate change.
- d) Subsections (a) through (c) shall not apply to contracts that disclose the formula that will allow a customer to determine the variable rate based on a publicly available, whether for free or a fee, index or benchmark. For contracts to which subsections (a) through (c) do not apply:
 - 1) The AGS shall provide sufficient information on its website, or through the customer's online account to identify the inputs to the formula used to calculate the variable rate, including the timing and location of the index

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

- or benchmark price and any other information necessary to calculate the rate;
- 2) The AGS shall provide clear and unambiguous information on the index or benchmark and any risks represented by the potential volatility (price spikes) involved in the rate calculations;
 - 3) Notice of the rates shall be available on the AGS' website and by toll-free telephone as soon as reasonably practicable; and
- e) If a contract includes a provision that results in a change to the residential customer's rate plan including a change from a fixed rate to a variable rate, the AGS shall send a separate written notice of the upcoming change at least 30 days, but no more than 60 days, prior to the switch. The separate written notice shall include:
- 1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Upcoming Rate Plan Change";
 - 2) The bill cycle in which the changes to the rate plan will begin; and
 - 3) A statement in bold lettering, in at least 12-point type, that the rate can change for the remainder of the contract. If the customer is on a plan that changes from a fixed price to a variable price at the end of the contract term or during the contract term, and if the customer is eligible for one or more fixed rate offers from the AGS, the AGS shall include information about those offers, including information explaining how to enroll in the offers. The notice shall advise the customer as to whether the customer is subject to an early termination fee after the switch and, if so, the amount of the fee. If the customer is not subject to an early termination fee after the switch to a price that can change, the notice shall so advise the customer.
- f) An AGS that currently (i) enrolls residential customers on a variable rate product for three consecutive months in any Gas Utility's service territory, including products that automatically switch or convert to a variable rate during the term of the contract, and/or (ii) automatically renews customers on a variable rate product for three consecutive months in any Gas Utility's service territory, must, for each such variable rate product, publicly disclose on the AGS' website and make available through a toll-free number, the one-year variable rate price history, or

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

history for the life of the product if it has been offered less than one year. An AGS shall not rename a product in order to avoid disclosure of price history.

Section 512.170 Conduct, Training and Compliance of AGS Sales Agents

Authorized by 220 ILCS 5/19-110 and 220 ILCS 5/19-112

- a) An AGS sales agent shall be knowledgeable of the requirements applicable to the marketing and sale of natural gas supply service to the customer class that he or she is targeting. In addition to this Part, requirements pertaining to the marketing and sales of natural gas supply service may be found in other rules, the Act and the Consumer Fraud and Deceptive Business Practices Act.
- b) All AGS sales agents shall be familiar with natural gas supply services that they sell, including the rates, payment and billing options, the customers' right to cancel, and applicable termination fees, if any. In addition, the AGS sales agents shall have the ability to provide the customer with a toll-free number for billing questions, disputes and complaints, as well as the Commission's toll-free phone number for complaints.
- c) AGS sales agents shall not utilize false, misleading, materially inaccurate or otherwise deceptive language or materials in soliciting or providing services.
- d) No AGS sales agent shall make a record of a customer's Gas Utility account number unless: the customer has agreed to enroll with the AGS; the AGS has secured consent from the customer to obtain customer-specific information for the purposes of pricing a product through a verifiable customer consent or another Commission-approved method; or the "record" is a recording required by Section 19-115(c)(4) of the Act and Sections 512.130 and 512.140 of this Part.
- e) All AGS sales agents shall complete a training program that covers the applicable Sections of this Part. The AGS shall document the training of its sales agents and provide a certification to the Commission showing that an agent completed the training program prior to a sales agent being eligible to market or sell gas supply in Illinois. The AGS shall maintain records of certificates for three years from the date the training was completed. Upon request by the Commission or Commission Staff, an AGS shall provide training materials and training records within seven business days.

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

- f) When an AGS contracts with an independent contractor or vendor to solicit customers on the AGS' behalf, the AGS shall confirm that the contractor or vendor has provided training in accordance with this Section.
- g) Each AGS shall monitor marketing and sales activities to ensure that its AGS agents are providing accurate and complete information and complying with all laws and regulations.

Section 512.180 Records Retention and Availability

Authorized by 220 ILCS 5/19-112

- a) An AGS must retain, for a minimum of two years or for the length of the contract, whichever is longer, verifiable proof of authorization to change suppliers for each customer. Upon request by the Commission or Commission Staff, the AGS shall provide authorization records within seven business days.
- b) Throughout the duration of the contract, and for two years thereafter, the AGS shall retain the customer's contract. Upon the customer's request, the AGS shall provide the customer a copy of the contract via e-mail, U.S. mail or facsimile. The AGS shall send a copy of the contract within seven business days from receipt of the customer's request if the customer is currently taking service under the contract or within fourteen business days if the customer is not currently taking service under the contract. The AGS shall not charge a fee for the copies if a customer requests fewer than three copies in a 12-month period.

SUBPART C: RESCISSION, DEPOSITS, EARLY TERMINATION
AND AUTOMATIC CONTRACT RENEWAL

Section 512.200 Application of Subpart C

The provisions of this Subpart shall only apply to an AGS serving or seeking to serve residential or small commercial customers and only to the extent the AGS provides services to residential or small commercial retail customers. In addition, Section 512.210 shall apply to Gas Utilities.

Section 512.210 Rescission of Sales Contract

Authorized by 220 ILCS 5/19-115(f)(6)-(7); (g)(6)

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

- a) The customer may rescind the contract with the AGS without penalty before the AGS submits the enrollment request to the Gas Utility. Within two business day after receipt of a valid electronic enrollment request from the AGS, the Gas Utility shall notify the customer in writing of the scheduled enrollment and provide the name of the AGS that will be providing natural gas supply service. The customer may also rescind the contract with the AGS without penalty within 10 business days after the date of the Gas Utility notice to the customer. The Gas Utility shall provide confirmation of an accepted enrollment to the AGS, including the date of the notice to the customer, at the same time that it provides a written enrollment notice to the customer. The written enrollment notice from the Gas Utility shall state the last day for the customer to make a request rescinding the enrollment and provide contact information for the AGS. The written enrollment notice from the Gas Utility shall also provide information regarding the customer's rights under this Section, including contact information for the utility and the Commission, if the customer believes the enrollment has been made in error or without the customer's consent.
- b) A customer wishing to rescind the pending enrollment with the AGS will not incur any early termination fees if the customer contacts either the Gas Utility or the AGS within 10 business days after the date of the Gas Utility notice to the customer; provided, however, that if the Gas Utility's tariff for transportation services requires a longer period for rescission, the customer may rescind the pending enrollment during the period for rescission established by the Gas Utility's tariff for transportation services without incurring early termination fees.
- c) In the event the residential customer provides notice of rescission to the Gas Utility, the Gas Utility shall notify the AGS within one business day after processing a valid rescission request from the customer.

Section 512.220 Early Termination of Sales Contract

Authorized by Section 19-115(g)(5)(A)

Any contract between an AGS and a customer that contains an early termination fee shall disclose the amount of the early termination fee or the formula used to calculate the termination fee and shall comply with Section 19-115(g)(5) of the Act. Any early termination fee or penalty shall not exceed \$50 total, regardless of whether or not the agreement is a multiyear agreement. Any contract containing an early termination clause shall provide the customer the opportunity to contact the AGS to terminate the contract without any termination fee or penalty within 10 business days after the date of the first bill issued to the customer for products or services

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

provided by the AGS. The contract shall disclose the right to terminate and provide a toll-free phone number that the customer may call in order to terminate the agreement. This requirement does not relieve the customer of obligations to pay for services rendered under the contract until service is terminated. If the enrollment was without the consumer's consent, as set forth in this Part 512, or if the AGS is unable to provide verifiable proof of authorization of enrollment, the AGS shall credit or refund any early termination fees assessed to or imposed on a consumer. If the customer has already paid a termination fee, the AGS shall refund the full amount of that fee by first applying it to any outstanding balance owed by the customer and then returning the remainder to the customer directly.

Section 512.230 Contract Renewal

Authorized by Sections 10-101 and 19-115(g)

- a) Non-Automatic Renewal. The AGS shall clearly and conspicuously disclose any renewal terms in its contracts, including any cancellation procedure. For contracts with an initial term of six months or more, the AGS shall send a notice of contract expiration separate from the bill at least 30 but no more than 60 days prior to the date of contract expiration. Nothing in this Section shall preclude an AGS from offering a new contract to the customer at any other time during the contract period. If the customer enters into a new contract prior to the end of the contract expiration notice period, the notice of contract expiration under this Section is not required. The separate written notice of contract expiration shall include:
 - 1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Contract Expiration Notice";
 - 2) The anticipated bill cycle in which the existing contract will expire;
 - 3) A full description of the renewal offer, including the date service would begin under the new offer, if a renewal offer was provided. If the new contract's terms differ from the existing contract, the AGS shall include a UDS that identifies the new terms, as well as a side-by-side comparison of the material changes between the existing contract and the new contract; and
 - 4) A statement, in at least 12-point font, that the customer must provide affirmative consent to accept the renewal offer, that establishing service with another AGS can take up to 45 days, and that failure to renew the

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

existing contract or switch to another AGS may result in the customer being reverted to the Gas Utility default service. The statement shall provide the length of the Gas Utility tariff minimum stay period, if applicable.

- b) Automatic Renewal. In addition to complying with the Illinois Automatic Contract Renewal Act [815 ILCS 601], the AGS shall clearly and conspicuously disclose any renewal terms in its contracts, including any cancellation procedure. For contracts with an initial term of six months or more, and when the contract automatically renews for a specified term of more than one month, the AGS shall send a notice of contract renewal separately from the bill at least 30 days but no more than 60 days prior to the end of the contract term. Nothing in this Section shall preclude an AGS from offering a new contract to the customer at any other time during the contract period. If the customer enters into a new contract prior to the end of the contract renewal notice period, the notice of contract renewal under this subsection is not required. The separate written notice of contract renewal shall include:
- 1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Contract Renewal Notice";
 - 2) The bill cycle in which service under the new term will begin;
 - 3) A statement in bold lettering, in at least 12-point font, that the contract will automatically renew unless the customer cancels it, including the information needed to cancel;
 - 4) If the new contract term includes a termination fee, a statement that the customer has until the end of the existing contract term to reject the new contract in order to avoid termination fees under the new contract; and
 - 5) A clear and conspicuous disclosure of the contract terms, including a full description of any renewal offers available to the customer. If the new contract terms differ from the terms of the existing contract, the AGS shall include a UDS that identifies the new terms, as well as a side-by-side comparison of material changes between the existing contract and the new contract.
- c) In addition to sending documentation required by subsection (b) by U.S. Mail, an AGS must alert the customer to the information contained in subsection (b) by one additional means of communication. The AGS may provide for the

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

customer's choice one or more options for this additional notification. Permissible forms of notification an AGS may offer include e-mail, text message/SMS, postcards, or phone calls; provided, however, that the policy preference of the Commission is that an AGS use phone calls when an AGS is able to obtain a customer's express written consent to give notice in this manner. An AGS may provide the additional notification by directing the customer to a website that contains the entirety of the information required by subsection (b). Each AGS shall maintain records that the additional notification was sent to the customer for the longer of two years or one year after the customer is no longer served by the AGS.

Section 512.240 Assignment

Authorized by 220 ILCS 5/19-115(f)(4)

An AGS that is certified to serve residential or small commercial customers shall not assign an agreement with a customer to any alternative natural gas supplier, unless:

- (a) the supplier is an AGS certified by the Commission;
- (b) the rates, terms, and conditions of the agreement being assigned do not change during the remainder of the time covered by the agreement;
- (c) the customer is given no less than 30 days prior written notice of the assignment and contact information for the new supplier; and
- (d) the supplier assigning the contract provides contact information that a customer can use to resolve a dispute. [220 ILCS 5/19-115(f)(4)]

SUBPART D: DISPUTE RESOLUTION AND CUSTOMER COMPLAINT REPORTS

Section 512.300 Application of Subpart D

The provisions of this Subpart shall only apply to an AGS serving or seeking to serve residential or small commercial retail customers and only to the extent the AGS provides services to residential or small commercial retail customers. In addition, Section 512.320(c)(1)(B) and (c)(1)(E) shall apply to Gas Utilities.

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

Section 512.310 Required AGS Information

Authorized by 220 ILCS 5/19-110

- a) Prior to an AGS initiating marketing to customers, and annually thereafter if there are any changes to such documents or information, the AGS shall file the following documents and information with the Chief Clerk of the Commission and provide a copy to the Commission's Consumer Services Division (CSD):
 - 1) A copy of its bill formats (if it bills customers directly rather than using natural Gas Utility consolidated billing) (combined billing for AGS services and natural Gas Utility services);
 - 2) Standard customer contract;
 - 3) Customer complaint and resolution procedures; and
 - 4) The name, telephone number and e-mail address of the company representative whom Commission employees may contact to resolve customer complaints and other matters.
- b) If, at the time of annual filing, there are no changes to the documents or information on file with the Commission in compliance with subpart (a) above, the AGS may file a document that affirms there are no changes from the prior year's filing.
- c) The AGS must file updated information within 10 business days after changes in any of the documents or information required to be filed by this Section.
- d) If the AGS has declared force majeure within the past 10 years on any contracts to deliver natural gas supply services, the AGS shall provide notice to the Commission Staff prior to marketing to residential and small commercial retail customers.

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

Section 512.320 Dispute Resolution

Authorized by 220 ILCS 5/19-115(b)(3)

- a) A residential or small commercial retail customer has the right to make a formal or informal complaint to the Commission, and an AGS contract cannot impair this right.
- b) A customer or prospective customer for natural gas supply service may submit a complaint by U.S. mail, facsimile transmission, e-mail or telephone to an AGS. The AGS shall initiate an investigation and advise the complainant of the status or any results of that investigation within 14 calendar days. If the AGS responds to the customer's or prospective customer's complaint verbally, the AGS shall inform the customer or prospective customer of the ability to request and obtain the AGS' response in writing. When the AGS responds, a customer or prospective customer shall be informed of the right to file a complaint with the Commission or the Office of the Illinois Attorney General.
- c) Complaints to the Commission
 - 1) Informal Complaints (see 83 Ill. Adm. Code 200.160)
 - A) The AGS shall inform the complainant of his/her ability to file an informal complaint with the Commission's Consumer Services Division (CSD) and provide contact information for the CSD. Informal complaints may be filed with the CSD by phone, via the internet, by fax or by mail. Information required to process a customer's informal complaint includes:
 - i) The customer's name, mailing and service addresses, and telephone number;
 - ii) The name of the AGS;
 - iii) The customer's natural Gas Utility and AGS account numbers;
 - iv) An explanation of the facts relevant to the complaint;
 - v) The complainant's requested resolution; and

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

- vi) Any documentation that supports the complaint, including copies of bills or terms of service documents.
 - B) The Commission's CSD may resolve an informal complaint via phone by completing a three-way call involving the customer, the CSD staff and the AGS. If no resolution is reached by phone and a dispute remains, an informal complaint may be sent to the AGS. In the case of Gas Utility consolidated billing, the AGS shall notify the Gas Utility of any informal complaint received and the Gas Utility shall follow the procedures outlined in its billing service agreement with the AGS to withhold collection activity on disputed AGS charges on the customer's bill.
 - C) The AGS shall investigate all informal complaints and advise the CSD in writing of the results of the investigation within 14 days after the informal complaint is forwarded to the AGS.
 - D) The CSD shall review the complaint information and the AGS' response and notify the complainant of the results of the Commission's investigation.
 - E) While an informal complaint process is pending:
 - i) The AGS shall not initiate collection activities for any disputed portion of the bill until the Commission Staff has closed the informal complaint; and
 - ii) A customer shall be obligated to pay any undisputed portion of the bill and the AGS (or the natural Gas Utility in the case of presenting the AGS' charges on a consolidated bill) may pursue collection activity for nonpayment of the undisputed portion after appropriate notice.
 - F) The AGS shall keep a record for two years after closure by the CSD of all informal complaints. This record shall show the name and address of the complainant and the date and nature and adjustment or disposition of the informal complaint.
- 2) Formal Complaints. If the complainant is not satisfied with the results of the informal complaint process, the complainant may file a formal

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

complaint with the Commission pursuant to Sections 10-101 and 19-115(d) of the Act and 83 Ill. Adm. Code 200.170.

Section 512.330 Failure to Comply

Unless otherwise noted, a violation of this Part shall be subject to the fines and penalties set forth in the Act.

Section 512.340 Severability

If any provision of this Part is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

Section 512.APPENDIX A Uniform Disclosure Statement

UNIFORM DISCLOSURE STATEMENT

Name:

Address:

Phone:

Rates and Product Information			
Price (in cents/therm) and number of months this price stays in effect:			
Utility Price to Compare (in cents/therm):			
Other monthly charges:			
Total Price (in cents/therm) with other monthly charges:	50 therms	100 therms	300 therms
Utility Price to Compare (in cents/therm):			
Length of contract:			
Price after the initial price:			
Early Termination Fees and Contract Renewal			
Early Termination Fee:			
Contract Renewal:			
Right to Rescind and Cancel			
Rescission:	You have a right to rescind (stop) your enrollment within 10 days after your utility has received your order to switch suppliers. You may call us at (toll-free number) or your utility at (toll-free number) to accomplish this.		
Cancellation:	You also have the right to terminate the contract without any termination fee or penalty if you contact us at (toll-free number) within 10 business days after the date of your first bill with charges from (AGS Name).		

PROPOSED PART 512
ILLINOIS COMMERCE COMMISSION

This is a sales solicitation and the seller is (AGS Name), an independent retail gas supplier. If you enter into a contract with the seller, you will be changing your retail gas supplier. The seller is not endorsed by, representing, or acting on behalf of, a utility or utility program, a governmental body or a governmental program, or a consumer group or a consumer group program.

If you have any concerns or questions about this sales solicitation, you may contact the Illinois Commerce Commission's Consumer Services Division at 800-524-0795. For information about the natural gas supply price of your natural gas utility and offers from other retail natural gas suppliers, please visit <https://www.icc.illinois.gov/ags/consumereducation.aspx>.

Date: _____

Agent ID: _____